

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
: 19-CR-374 (JMF)
-v- :
:
MICHAEL AVENATTI, :
:
Defendant. :
:
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JESSE M. FURMAN, United States District Judge:

The Court having conferred with the Jury Department, it is unclear whether it would be feasible to hold trial in this case on or about January 10, 2022, as currently planned, in the event that (as the Court anticipates will be the case) the District is still operating with strict COVID-19 protocols governing trial dates, jury selection, and other trial-related procedures.

The parties shall appear for an **in-person conference** to address the issue on **Thursday, October 14, 2021, at 12 p.m.** (The Court is inclined to believe that the Defendant's presence at the conference is not required. *See Fed. R. Crim. P. 43.* If defense counsel agrees and is willing to waive the Defendant's presence, they shall file a letter to that effect by the **close of business on October 13, 2021.** Alternatively, defense counsel may file a letter motion, by the same date and time, for leave to have the Defendant participate in the conference by telephone.)

All members of the public, including attorneys, must complete a questionnaire and have their temperature taken before being allowed entry into the Courthouse. **Attached to this Order are instructions and a link to the questionnaire.** In light of these protocols, counsel and Defendant should arrive at the Courthouse early to ensure that the proceeding can begin on time. A mask (fully covering the mouth and nose) must be worn at all times while in the Courthouse. (Please note that bandanas, neck gaiters, or masks with exhalation valves or vents are not permitted.) If someone does not have adequate face covering, it will be provided upon entry by the Court Security Officers.

In the interest of public health, and in order to comply with social distancing protocols, **the parties are strongly encouraged to limit the number of people in the courtroom as much as possible.** Indeed, seating at both counsel table and in the public area of the courtroom will be severely limited. In view of those limitations and the restrictions on entry into the Courthouse, the Court will provide listen-only public access to the proceeding by telephone given the public health situation. Members of the public may listen to the proceeding by calling the Court's dedicated conference call line at (888) 363-4749, using access code 542-1540 followed by the pound (#) key.

SO ORDERED.

Dated: October 12, 2021
New York, New York



JESSE M. FURMAN
United States District Judge

All members of the public, including attorneys, appearing at a Southern District of New York courthouse must complete a questionnaire and have their temperature taken before being allowed entry into that courthouse.

On the day you are due to arrive at the courthouse, click on the following weblink, or scan the following QR code with a mobile device camera to begin the enrollment process. Follow the instructions and fill out the questionnaire. If your answers meet the requirements for entry, you will be sent a QR code to be used at the SDNY entry device at the courthouse entrance.

<https://app.certify.me/SDNYPublic>



Note: If you do not have a mobile phone or mobile phone number, you must complete the questionnaire and temperature screening at an entry device at the courthouse.